IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.1760 of 2006

DATE OF DECISION: OCTOBER 27, 2006

Raj Kumar alias Dimple

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.T.S.Sangha, Advocate,
for the petitioner.
Mr.M.S.Sindhu, DAG, Haryana.

...

The petitioner has filed this criminal revision against the judgment dated 8.8.2006 passed by the Additional Sessions Judge, Jhajjar, whereby the appeal preferred by the petitioner against the judgment of conviction dated 12.1.2005 and order of sentence dated 13.1.2005 passed by the JMIC, Jhajjar, has been dismissed.

In this case, the petitioner was tried in case FIR No.173 dated 30.12.2000 registered under Sections 452/354 IPC at Police Station Salhawas. Vide judgment of conviction dated 12.1.2005 and order of sentence dated 13.1.2005 passed by the JMIC, Jhajjar, the petitioner was convicted under Section 452 IPC and sentenced to undergo rigorous imprisonment for three years and fine of Rs.500/- and in default of payment of fine, to further undergo simple imprisonment for six months. Similarly, he was also convicted under Section 354 IPC and sentenced to undergo rigorous imprisonment for one year and fine of Rs.200/- and in default of payment of fine, to further undergo simple imprisonment for two months.

Aggrieved against the aforesaid judgment, the petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Jhajjar with the modification that the petitioner was held guilty under Section 451 IPC instead of 452 IPC and was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.500 and in default of payment of fine, to further undergo simple imprisonment for six months. However, the sentence awarded under Section 354 IPC was affirmed.

I have heard the counsel for the parties and gone through the judgments passed by both the Courts below.

Counsel for the petitioner could not point out any illegality in the judgment of conviction passed against the petitioner. He only argued on the quantum of sentence. He contends that the petitioner was 20 years old at the time of the alleged occurrence. He further contends that the petitioner as well as the prosecutrix were unmarried at that time. Thereafter, the petitioner performed marriage and is now having a daughter. The prosecutrix is also married having two children. Counsel contends that the incident pertains to the year 2000 and since then the petitioner has suffered the agony of protracted trial and also undergone about three month's of sentence.

After hearing the arguments of the counsel for the parties, I do not find any illegality or infirmity in the judgment of conviction passed by both the Courts below. However, keeping in view the facts and circumstances of the case and the fact that the petitioner has faced the agony of protracted trial for six years and has also undergone about three months of sentence, the interest of justice will be fully met if the sentence of one year rigorous imprisonment awarded to the petitioner under Sections

451/354 IPC is reduced to six months. Ordered accordingly. The sentence of fine is, however, maintained.

With the above modification in the order of sentence, the criminal revision is dismissed.

October 27, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE